

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, <i>et al.</i> ,	:	
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	:	
Plaintiffs,	:	
	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:17-cv-2989-AT
BRAD RAFFENSPERGER, <i>et al.</i> ,	:	
	:	
	:	
Defendants.	:	
	:	

ORDER

This matter is before the Court on the State Defendants' Consolidated Motion to Quash Subpoena to Jordan Fuchs [Doc. 1010] filed after business hours on Friday, November 13, 2020. State Defendants did not comply with the undersigned's procedures for presenting discovery disputes as required by the Court's Standing Order "due to the short time for compliance" with and "Curling counsel's apparent unwillingness to discuss modification of" the subpoena at issue. The subpoena requests 11 categories of documents from Deputy Secretary of State, Jordan Fuchs, requested by Plaintiffs following a press release from Ms. Fuchs concerning this litigation. According to Defendants' motion, the subpoena demanded compliance with three categories of documents by Saturday, November 14, 2020 and Curling Plaintiffs refused to grant State Defendants' request for an extension of time to respond. By filing the motion pursuant to Fed. R. Civ. P. 45, State Defendants unilaterally forestalled their obligation to produce documents responsive to the subpoena by the Saturday deadline.

As the “emergency” nature of the looming subpoena deadline is no longer an issue, the parties and the Court can deal with this dispute pursuant to the terms of the Court’s Standing Order. Accordingly, the Court **DENIES WITHOUT PREJUDICE** State Defendants’ Consolidated Motion to Quash Subpoena to Jordan Fuchs [Doc. 1010] and **ORDERS** the parties to meet and confer regarding this dispute to discuss modification of the subpoena if necessary and a reasonable time for compliance considering the State Defendants’ current responsibilities for certifying the election results and preparing for the upcoming runoff elections. In the event the dispute cannot be resolved, the parties are **ORDERED** to file a Joint/Consolidated Discovery Dispute Statement with the Court.

IT IS SO ORDERED this 16th day of November, 2020.



Amy Totenberg
United States District Judge